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Kevin M. Patfield

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EXAMINER

ADHAMI, MOHAMMAD SAJJID

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2416

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/632,196	Applicant(s) PATFIELD, KEVIN M.	
	Examiner MOHAMMAD S. ADHAMI	Art Unit 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-15 and 22-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-15 and 22-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- Applicant's amendment filed 11/12/2008 is acknowledged.
- Claim 1 has been amended.
- Claims 5 and 16-21 are cancelled.
- Claims 22-27 have been added.
- Claims 1-4,6-15, and 22-27 are pending.

Specification

1. The disclosure is objected to because of the following informalities: On page 2, line 12, "gateway 12" should be "gateway 14".

Appropriate correction is required.

Claim Objections

2. Claim 8 is objected to because of the following informalities: In line 17 of claim 8, "identifier" should be "identifiers". Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 depends from claim 5; however claim 5 is cancelled. It is unclear what claim 6 depends from.

Claim 7 is rejected because it depends from a rejected claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1,2,8-10,22, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Kallio (US App. 2004/0190498).

Re claims 1 and 8:

Kallio discloses *applying identifiers to originating half calls such that the originating half calls are distinctly identifiable with respect to one another* (Para.[0037] a call leg is identified by the combination of call-ID).

Kallio further discloses *the identifiers accompanying terminating half calls that form associated pairs of half calls together with the originating half calls to which the identifiers were applied* (Para.[0037] a call leg is identified by the combination of call-ID and Para.[0042] when the REFER message is received for this given IMS session identified by Call ID).

Kallio further discloses *examining terminating half calls to detect the identifiers* (Para.[0053] the MGCF attempts to establish a CS call towards the participant B which has been identified by the TEL URI in the REFER message and Para.[0056] the MGCF to request Connected Line identity of the CS domain subscriber B. it can be checked whether the identity of the subscriber received in the Request-URI of the REFER message is the correct one).

Kallio further discloses *upon detection of the identifiers, the terminating half calls accompanying the detected identifiers and the originating half calls to which the identifiers were applied are recognized as associated pairs of half-calls* (Para.[0014] connecting the first and second call legs to form a single connection and Para.[0055] connects the call leg on the IMS side and the call leg on the side of the participant B of the connections in the IMS-MGW. Thus, an end-to-end speech connection is established).

Re claim 2:

Kallio discloses *prior to applying identifiers, receiving the originating half calls from the calling consumer premises equipment over a packet-switched network* (Para.[0015] the gateway device is configured to receive from the IP-based network a trigger message including a first address information and a second address information and in response to the trigger message establish a second call leg towards a second connection end located in the IP-based network and Para.[0011] routed from the IP-based network).

Kallio further discloses *translating the received originating half-call from a packet-switched call format to a circuit-switched call format such that each originating half-call defines an originating half-call routing path having a packet-switched portion and a circuit-switched portion* (Para.[0010] a method for enabling interworking between an IP-based network and a circuit-switched network – where communication between an ip-based network and a circuit-switched network uses translating from packet-switched format to circuit-switched format).

Kallio further discloses *after applying the identifier, directing the received originating half-calls to a circuit-switched network for routing* (Para.[0055] an end-to-end speech connection is established between the conference functionality of the IMS domain and the participant B in the CS domain).

Kallio further discloses *prior to examining the terminating half calls, receiving the terminating half calls from the circuit-switched network* (Para.[0053] the MGCF takes an active role in order to successfully inform the participant B of the conference - where the call leg to participant B is the terminating half call).

Kallio further discloses *translating the received terminating half calls from the circuit-switch call format to the packet-switched call format such that each terminating half-call defines a terminating half-call routing path having a packet-switched portion and a circuit-switched portion* (Para.[0010] a method for enabling interworking between an IP-based network and a circuit-switched network – where communication between an ip-based network and a circuit-

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switched network uses translating from packet-switched format to circuit-switched format).

Kallio further discloses *after examining terminating half calls, directing the received terminating half calls to the called consumer premises equipment over the packet-switched network* (Para.[0055] an end-to-end speech connection is established between the conference functionality of the IMS domain and the participant B in the CS domain).

Re claim 9:

Kallio discloses *receiving the originating half calls from the calling consumer premises equipment over a packet-switched network* (Para.[0015] the gateway device is configured to receive from the IP-based network a trigger message including a first address information and a second address information and in response to the trigger message establish a second call leg towards a second connection end located in the IP-based network and Para.[0011] routed from the IP-based network).

Kallio further discloses *translating the received originating half-call from a packet-switched call format to a circuit-switched call format such that each originating half-call defines an originating half-call routing path having a packet-switched portion and a circuit-switched portion* (Para.[0010] a method for enabling interworking between an IP-based network and a circuit-switched network – where communication between an ip-based network and a circuit-

switched network uses translating from packet-switched format to circuit-switched format).

Kallio further discloses *directing the translated originating half-calls to a circuit-switched network for routing* (Para.[0055] an end-to-end speech connection is established between the conference functionality of the IMS domain and the participant B in the CS domain).

Kallio further discloses *receiving the terminating half calls from the circuit-switched network* (Para.[0053] the MGCF takes an active role in order to successfully inform the participant B of the conference - where the call leg to participant B is the terminating half call).

Kallio further discloses *translating the received terminating half calls from the circuit-switch call format to the packet-switched call format such that each terminating half-call defines a terminating half-call routing path having a packet-switched portion and a circuit-switched portion* (Para.[0010] a method for enabling interworking between an IP-based network and a circuit-switched network – where communication between an ip-based network and a circuit-switched network uses translating from packet-switched format to circuit-switched format).

Kallio further discloses *directing the translated terminating half calls to the called consumer premises equipment over the packet-switched network* (Para.[0055] an end-to-end speech connection is established between the

conference functionality of the IMS domain and the participant B in the CS domain).

Re claim 10:

Kallio discloses *the translation means comprising a gateway bridging the packet-switched network with the circuit-switched network* (Fig.1 ref.40 is a gateway bridging a packet-switched network and a circuit-switched network).

Re claim 22:

Kallio discloses *applying identifiers to a first leg of calls routed through a gateway, where the identifiers distantly identifying the respective calls to which they are applied from one another* (Para.[0037] a call leg is identified by the combination of call-ID and Para.[0042] when the REFER message is received for this given IMS session identified by Call ID and Fig.1 ref.40 is a gateway bridging a packet-switched network and a circuit-switched network).

Kallio further discloses *examining a second leg of calls routed through the gateway to detect for identifiers* (Para.[0053] the MGCF attempts to establish a CS call towards the participant B which has been identified by the TEL URI in the REFER message and Para.[0056] the MGCF to request Connected Line identity of the CS domain subscriber B. it can be checked whether the identity of the subscriber received in the Request-URI of the REFER message is the correct one).

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Re claim 23:

Kallio discloses *the gateway connecting to the circuit-switched network through a circuit-switched telecommunications switch* (Para.[0008] Allowing interworking between IMS and CS domains, where users use public-switched telephone networks (PSTN)).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3,4,11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kallio in view of Jackson (US 7,286,521).

Re claims 3,4,11, and 12:

As discussed above, Kallio meets all the limitations of the parent claims.

Kallio does not explicitly disclose *eliminating the circuit-switched portions and reducing the routing paths to only their packet-switched portions*.

Jackson discloses *eliminating the circuit-switched portions and reducing the routing paths to only their packet-switched portions* (Col.7 lines 31-37 Using the VoIP in the last 100 meters. Elimination of reserved circuit capacity – where VoIP is a packet-switched portion).

Kallio and Jackson are analogous because they both pertain to voice calls.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kallio to include eliminating the circuit-switched portion and reducing the routing paths to only packet-switched portions as taught by Jackson in order to use network resources more efficiently.

7. Claims 6,7,13, and 15 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Kallio in view of Levy (US App.2008/0044087).

Re claims 6,7,13, and 15:

As discussed above, Kallio meets all the limitations of the parent claims.

Kallio does not explicitly disclose *superimposing audio watermarks on traffic, where the audio watermarks are substantially unperceivable by the end user*.

Levy discloses *superimposing audio watermarks on traffic, where the audio watermarks are substantially unperceivable by the end user* (Para.[0055] a distribution trail is formed from the distribution source to the first user (via the audio watermark's transactional ID)).

Kallio and Levy are analogous because they both pertain to data transmission.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kallio to include an audio watermark as taught by Levy in order to identify a user for tracking.

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8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kallio in view of Jackson as applied to claim 13 above, and further in view of Levy.

Re claim 14:

As discussed above, Kallio meets all the limitations of the parent claims.

Kallio does not explicitly disclose *superimposing audio watermarks on traffic, where the audio watermarks are substantially unperceivable by the end user.*

Levy discloses *superimposing audio watermarks on traffic, where the audio watermarks are substantially unperceivable by the end user (Para.[0055] a distribution trail is formed from the distribution source to the first user (via the audio watermark's transactional ID)).*

Kallio and Levy are analogous because they both pertain to data transmission.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kallio to include an audio watermark as taught by Levy in order to identify a user for tracking.

9. Claims 24-27 rejected under 35 U.S.C. 103(a) as being unpatentable over Kallio in view of Roeder (US App. 2002/0115432).

Re claims 24-27:

As discussed above, Kallio meets all the limitations of the parent claims.

Kallio does not explicitly disclose *a gateway that appears as a remote digital terminal, a class five switch, a GR-303 interface, and a V.5.2 interface.*

Roeder discloses *a gateway that appears as a remote digital terminal, a class five switch, a GR-303 interface, and a V.5.2 interface* (Para.[0068] forward the calls to the gateway using remote call forwarding and Para.[0082] one or more class 5 switches and Para.[0083] a GR-303 interface, a V5.2 interface).

Kallio and Roeder are analogous because they both pertain to voice calls.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kallio to include a gateway appearing as a remote terminal, a class 5 switch, a GR-303 interface, and a V.5.2 interface in order to use well-known communications devices and standards to provide network connectivity.

Response to Arguments

10. Applicant's arguments with respect to claims 1-4,6-15, and 22-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Li (US 6,775,277), Dammrose (US 7,068,759), and Scoggins (US 6,832,254) show applying identifiers to call legs. Levy (US App. 2008/0052783) shows a watermark being minimally perceived.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD S. ADHAMI whose telephone number is (571)272-8615. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571)272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mohammad S Adhami/
Examiner, Art Unit 2416

/Chi H Pham/
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1/30/09